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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(13)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 21, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution urging Miami-Dade Public Schools to consider the primary election date and coordinate with the supervisor of elections in setting the first day of school in even numbered years

Resolution No. R-958-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: September 21, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(13)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(13)
9-21-10

RESOLUTION NO. R-958-10

RESOLUTION URGING MIAMI-DADE PUBLIC SCHOOLS TO CONSIDER THE PRIMARY ELECTION DATE AND COORDINATE WITH THE SUPERVISOR OF ELECTIONS IN SETTING THE FIRST DAY OF SCHOOL IN EVEN-NUMBERED YEARS

WHEREAS, the first day of school for the Miami-Dade Public Schools for the 2010-11 school year was on Monday, August 23, 2010, and the 2010 primary election took place the next day on Tuesday, August 24, 2010; and

WHEREAS, traffic congestion is always bad the first week of school, but when the start of school and primary voting both occur at the beginning of the same week, traffic congestion was even worse; and

WHEREAS, at schools that serve as polling places, many adults were present at schools to vote, leading to further confusion and potential issues; and

WHEREAS, section 100.061, Florida Statutes, provides that a primary election shall be held on the Tuesday ten weeks prior to the general election; and

WHEREAS, Florida law prohibits the first day of school from being earlier than 14 days before Labor Day each year, but otherwise allows local school districts the autonomy to decide when the first day of school will be; and

WHEREAS, the Miami-Dade Public Schools should consider the primary election date in setting the first day of school in even-numbered years so that primary voting and the start of school do not happen at the same time,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges Miami-Dade Public Schools to consider the primary election date in even-numbered years in deciding when the first day of school will be and coordinate with the supervisor of elections.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Chair and Members of the School Board of Miami-Dade County and the Superintendent of the Miami-Dade County Public Schools.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**absent**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

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The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of September, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty

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